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**DORSEY ATTACKS
ROSSER'S DECISION**

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Both Sides Criticize Court in Long Briefs Filed in Appeal to Supreme Court.

Judge L. S. Roan, presiding judge in the famous Frank trial, Friday trial, Friday found himself between two raking fires of criticism.

The bombardment was opened by the defense in the great legal battle. Weak and vacillating in his conduct of the case, disposed to shirk his duty as a judge, unable to rule his court with a firm and just hand—these are the charges buried at him in the brief and argument of the defense lawyers.

If the judge fancied, he was to escape with this, he was mistaken. He was yet to receive a broadside from the State's attorneys. When the brief of Solicitor Dorsey was made public Friday, it was found to contain a severe attack on Roan's action in expressing his doubt of Frank's guilt and incorporating it in the bill of exceptions that went up to the Supreme Court.

This procedure was wholly gratuitous and uncalled for, the Solicitor General intimated.

"Dangerous," Adds Solicitor.

It was worse than this; it was unusual and dangerously unprecedented.

Here is what Mr. Dorsey had to say about it:

“It is unusual, and, so far as we know, unprecedented for a court to incorporate a statement similar to this in a bill of exceptions.”

“It is not the office or function of a bill of exceptions to carry the views of a judge, as such, or his private views, nor is it a vehicle for carrying the mental processes by which the court below reached its conclusions. We submit that it would be as dangerous a precedent to permit a judge to impeach the integrity of his official finding after the judgment is concluded, as it would be to permit the Juror, after having been discharged from consideration of the case, to impeach his own verdict.”

Solicitor Dorsey, however, was not disposed to give Judge Roan’s expression of opinion as much legal weight as the defense had attached to it. He did not think that the Supreme Court should interpret it as indicating a firmly fixed and compelling doubt on the part of the trial Judge. Arguing on this point, he said:

Quotes Judge’s Words.

“Judge Roan stated, according to the bill of exceptions, that he had thought more about this case than any other he ever tried. *** He was not thoroughly satisfied that Frank was guilty or innocent.’ This language clearly shows that he may have overruled the motion reluctantly, to use his own language, ‘The jury was convinced. There was no room to doubt that, and he further said that he felt it his duty to order that the motion for a new trial he overruled, and he did.”

Herbert J. Haas, of counsel for Frank, Friday filed with the Clerk of the Supreme Court the defense’s brief and argument, together with Solicitor Dorsey’s acknowledgement of service. The brief of evidence, consisting of about 600 pages, probably will not be completed until Monday. The defense also later will file a reply brief in answer to Dorsey’s brief and argument, which reviews the case with unusual thoroughness from start to finish.

Counsel for Frank, in the brief and argument, greatly amplify the charges of a "mob trial," which they assert their client received, and assert their accusations that Judge Roan's conduct of the case was marked by indecision and lack of proper firmness.

The hearing before the Supreme Court is set for next Monday. The Frank case is set for next Monday. The Frank case is the eighteenth on the calendar and probably will be reached during the day.

The argument prepared by Frank's lawyers contends that Judge Roan exhibited weakness in failing to clear the courtroom during the demonstrations that were made against the prisoner and in behalf of Solicitor Dorsey, who was conducting the prosecution.

Should Have Been Mistrial.

Further, it is argued that the only just course left open to Judge Roan when the crowd wildly cheered du pol of the jury was to send the jury back to its room or then and there declare a mistrial. The stand of the defense is that the verdict is not complete until every member of the jury has been spoiled, and that if any man had possessed a mind to dissent from the verdict he would have been frightened out of his intention by the riotous demonstration against Frank that was in progress outside.
